IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION Nos.14611 and 14646 of 2005

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WRIT PETITION NO : 14611 of 2005

Between:

1.Ramachandram S/o. Muthiramulu
2.M. Ram Prakash S/o. Ramachandram
3.A. Rampratap S/o. Ramachandram
4.A. Padmavathi D/o. Ramachandram
5.A. Laxmikantham W/o. Muthiramulu
(All the petitioner are C/o. Ramachandram, Taaka Street Weekly Bazar
Jagtial Karimnagar District.

..... PETITIONERS

AND

1. The Govt. A.P Rep.by its Secretary, Social Welfare Secretariat Hyderabad.
2. The High Level Committee Rep.by its Convener & Dy. Secretary to Govt. Social Welfare Dept., Secretariat Hyderabad.
3. The Collector, Karimnagar District Karimnagar.
4. The Sub-Collector, Jagitial Karimnagar.
5. The Superintendent of Police, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of

Mandamus declaring the action of the respondents to law by quashing the proceedings No.C4/2126/2000 dated 31-5-2005 and the accompanying Notification No.C4/2126/200 dated 31-5-2005 of the 3rd respondent (Collector) canceling the "Kolupulavandlu" (S.C) caste certificates show-cause notice No.C4/2126/200 dated 12-7-2004 of the 3rd respondent (Collector) proceedings of the 2nd respondent in its minutes dated 21-1-1992 in respect of the caste status of the persons claiming to be "Kollupulavandlu", proceedings of the 4th respondent in No.G/3000/87, dated 19-2-1989 of the Sub-Collector, Jagtial.

WRIT PETITION NO : 14646 of 2005

Between:

1. B. Chakrapani, S/o. Kashinatham, C/o.B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
2. Y. Murali, S/o. Bhoomaiah, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
3. Aella Vykuntam, S/o. Ramakistaiah, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
4. B. Sree Ramulu, S/o. Narayana, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
5. P. Gangadhar, S/o. Venkanna, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
6. P. Laxmi Kantham, S/o. Satyanarayana, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
7. G. Srinivas, S/o. Sri Venkatanarayana, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
8. Y. Sreedevi, W/o. Dasharatham, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
9. A. Rama Devi, D/o. Jalapathi, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
10. Ch. Venkateswarlu, S/o. Goverdhan, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
11. Y. Rajendera Prasad, S/o. Murali, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
12. A. Venkata Ramana, S/o. Ramachandram, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.
13. P. Vidyanagar, S/o. Gangadhar, C/o. B. Chakrapani, Vijayapuri Street, Jagityal, Karimnagar District.

..... PETITIONERS

AND

1. The Government of A.P. Rep by its Secretary, Social Welfare, Secretariat, Hyderabad

2. The High Level Committee, Rep by its Convener & Deputy Secretary to Govt. Social Welfare Department, Secretariat, Hyderabad.

3. The Collector, Karimnagar District, Karimnagar.

4. The Sub-Collector, Jagitial, Karimnagar District.

5. The Superintendent of Police, Karimnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction particularly one in the nature of Writ of Mandamus directing the Respondents to act according to law by quashing the Proceedings No. C4/2126/2000 dated 31-5-2005 and the accompanying Notification No. C4/2126/2000 dated 31-5-2005 of the 3rd Respondent (Collector) canceling the "KOLUPULAVANDLU" (S.C.) caste Certificate Show-cause Notice No. C4/2126/2000 dated 12-7-2004 of the 3rd Respondent (Collector) Proceedings of the 2nd Respondent in its minutes dated 21-1-1992 in respect of the Caste status of the persons claiming to be "KOLLUPULA VANDLU", Proceedings of the 4th Respondent in No. G/3000/87 dated 19-2-1989 of the Sub-Collector, Jagtial.

Counsel for the Petitioners (in two writ petitions): MR.T.DHANURBHANUDU

Counsel for the Respondents (in two writ petitions): GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

COMMON ORDER:

These two writ petitions are filed by the petitioners aggrieved by the order passed by the third respondent exercising powers conferred under Section 5(1) of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regularisation of Issue of Community Certificates Act, 1993 (for short 'the Act') holding that the petitioners do not belong to 'Kolupulavandlu' community and therefore the community certificates issued by the Tahasildar/Mandal Revenue Officer, Jagtial/Mallial in favour of the petitioners were cancelled.

According to the petitioners, there was earlier litigation and in fact various contentions have been advanced by the learned counsel for the petitioners stating that the petitioners' caste does not belong to BC, as it was not notified. The learned counsel also contended that the third respondent has no jurisdiction and it is only the Commission under Section 9 of the A.P. Commission for Backward Classes Act, 1993 which has to decide whether the petitioners belong to BC or not.

After hearing the learned counsel, this Court is of the opinion that under Section 7(2) of the Act, the petitioners have an effective alternative remedy of appeal before the Government against the order passed by the District Collector under Section 5 of the Act. The impugned order is admittedly passed by the District Collector exercising the powers conferred under Section 5 of the Act. Though the learned counsel contended that the third respondent has no jurisdiction and it is only the Commission as provided under Section 9 of the A.P. Commission for Backward Classes Act, 1993, which has

to decide the issue, but Section 9 did not give the power to the Commission to decide as to whether any particular individual belongs to BC or not.

In any case, without expressing any opinion on merits, since the petitioner has got an effective alternative remedy of appeal before the Government, this Court declines to entertain the writ petition.

Accordingly, the writ petitions are dismissed. No costs.

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07.07.2005

VGB

To

1. The Secretary, Govt. A.P., Social Welfare Secretariat Hyderabad.

2. The Convener & Deputy Secretary, High Level Committee, Govt. Social Welfare Dept., Secretariat Hyderabad.

3. The Collector, Karimnagar District Karimnagar.

4. The Sub-Collector, Jagitial Karimnagar.

5. The Superintendent of Police, Karimnagar.

6. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)

7. 2CD copies.